

055  
No. 15812

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United States  
Court of Appeals  
for the Ninth Circuit

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FLORENCE UMBRIACO, Appellant,

vs.

UNITED STATES OF AMERICA,  
Appellee.

UNITED STATES OF AMERICA, Appellant,

vs.

FLORENCE UMBRIACO, Appellee.

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Transcript of Record

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Appeals from the United States District Court for the  
Western District of Washington, Northern Division

FILED

FEB 13 1958

PAUL P. O'BRIEN, Clerk



No. 15812

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF COUNSEL

JOHN F. EVICH,

1903 Smith Tower,  
Seattle 4, Washington,

Attorney for Appellant, Florence Umbriaco.

CHARLES P. MORIARTY and  
MURRAY B. GUTERSON,

1012 U. S. Court House,  
Seattle 4, Washington,

Attorneys for Appellee, United States of  
America.



United States District Court, Western District  
of Washington, Northern Division

No. 49660

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FLORENCE UMBRIACO,

Defendant.

### INDICTMENT

The Grand Jury charges:

#### Count I.

That on or about April 3, 1957, at Seattle, Washington, within the Northern Division of the Western District of Washington, Florence Umbriaco, having taken an oath before a competent tribunal in a case in which a law of the United States authorizes an oath to be administered, to wit, having taken an oath before the United States District Court for the Western District of Washington, Northern Division, in the case of United States of America v. Frank Peter Umbriaco, Western District of Washington, Northern Division, Criminal Case No. 49580, that she would testify and declare truly, did willfully and contrary to such oath state and subscribe material matters which she did not believe to be true, to wit, did state and subscribe that during the eight-month period from June 1952 to February 1953 she did not operate as

a prostitute at the Stewart Hotel in Seattle, Washington, and that during the same period she did not perform any acts of prostitution at the Stewart Hotel in Seattle, Washington, when in truth and in fact she did operate as a prostitute at the Stewart Hotel in Seattle, Washington, during the eight-month period from June 1952 to February 1953 and she did perform acts of prostitution at the Stewart Hotel in Seattle, Washington, during the same period.

All in violation of Section 1621, Title 18, U.S.C.

#### Count II.

That on or about April 3, 1957, at Seattle, Washington, within the Northern Division of the Western District of Washington, Florence Umbriaco, having taken an oath before a competent tribunal in a case in which a law of the United States authorizes an oath to be administered, to wit, having taken an oath before the United States District Court for the Western District of Washington, Northern Division, in the case of United States of America v. Frank Peter Umbriaco, Western District of Washington, Northern Division, Criminal Case No. 49580, that she would testify and declare truly, did willfully and contrary to such oath state and subscribe material matters which she did not believe to be true, to wit, did state and subscribe that during the period from September 1954 to December 1955 she did not operate as a prostitute when in truth and in fact she did operate as a

prostitute during the period between September 1954 and December 1955.

All in violation of Section 1621, Title 18, U.S.C.

A True Bill.

/s/ ROBERT P. MOSER,  
Foreman.

/s/ CHARLES P. MORIARTY,  
United States Attorney.

/s/ MURRAY B. GUTERSON,  
Assistant United States Attorney.

[Endorsed]: Filed April 10, 1957.

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[Title of District Court and Cause.]

### VERDICT

We, the Jury in the Above-Entitled Cause, Find the Defendant, Florence Umbriaco is guilty as charged in Count I of the Indictment; and further find the Defendant, Florence Umbriaco is guilty as charged in Count II of the Indictment.

Dated: Sept. 11, 1957.

/s/ M. SIDNEY REISS,  
Foreman.

[Endorsed]: Filed September 11, 1957.

United States District Court, Western District  
of Washington, Northern Division

Court Room No. 2, Monday, September 23, 1957.

Hon. William J. Lindberg, presiding.

No. 49660

[Title of Cause.]

### MOTION DENIED

Now on this 23rd day of September, 1957, this matter comes on before the Court for hearing on motion of defendant for acquittal. The defendant is present with her counsel, John F. Evich. Murray B. Guterson, Assistant United States Attorney, appears for the Government.

The matter is called. Argument is had on motion of acquittal as to counts I and II. Thereupon the Court grants the motion of acquittal as to count I and denies the motion of acquittal as to count II.

Now the matter comes on before the Court for hearing on motion of defendant for a new trial. The matter is called and is denied.

Journal: Page #663.

United States District Court, Western District  
of Washington, Northern Division

No. 49660

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FLORENCE UMBRIACO,

Defendant.

### JUDGMENT AND COMMITMENT

On this 30th day of September, 1957 came the attorney for the government and the defendant appeared in person and by counsel, John F. Evich.

It Is Adjudged that the defendant has been convicted upon her plea of not guilty, and a verdict of guilty of the offense of violation of Section 1621, Title 18, U.S.C. as charged in Count II of the Indictment and the court having asked the defendant whether she has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as to Count II and as to said Count II is convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General of the United States or his authorized representative for imprisonment for a period of Eighteen (18) Months in such institution as the Attorney General

of the United States or his authorized representative may by law designate on Count II of the Indictment.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Done in Open Court this 30th day of September, 1957.

/s/ WILLIAM J. LINDBERG,  
United States District Judge.

Presented by:

/s/ MURRAY B. GUTERSON,  
Assistant United States Attorney.

[Endorsed]: Filed and Entered Sept. 30, 1957.

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[Title of District Court and Cause.]

#### NOTICE OF APPEAL

1. Name and address of appellant: Florence Umbriaco, President Apartments, 1119 Olive Way, Seattle, Washington.

2. Name and address of attorney: John F. Evich, 1903 Smith Tower, Seattle, Washington.

3. Offense: Violation of Section 1621, Title 18, U.S.C.

4. Date of judgment: September 30, 1957.

5. Adjudged convicted upon the verdict of guilty of the offense of perjury in violation of Section



1621, Title 18, U.S.C. as charged in Count II of Indictment.

Adjudged that appellant be committed to custody of Attorney General for imprisonment for eighteen (18) months.

6. Admitted to bail:

I, John F. Evich, attorney for Florence Umbriaco, the above named appellant, do hereby appeal to the United States Court of Appeal for the Ninth Circuit from the above stated judgment for and on behalf of appellant.

Dated this 30th day of September, 1957.

/s/ JOHN F. EVICH,

Attorney for Defendant.

Acknowledgment of Receipt of Copy Attached.

[Endorsed]: Filed September 30, 1957.

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[Title of District Court and Cause.]

### BOND ON APPEAL

Know All Men by These Presents:

That we, Florence Umbriaco, as principal, and Michigan Surety Company, a corporation, organized and existing under the laws of the State of Michigan, as Surety, and doing business in the State of Washington and by virtue of the laws of the State of Washington, are held and firmly bound unto the United States of America, in the sum of Two Thousand Five Hundred Dollars (\$2500.00)

to be paid to the said United States of America, certain attorney, executors, administrators, or assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals and dated the 30th day of September in the year of our Lord, One Thousand Nine Hundred and Fifty-seven.

The condition of the above recognizance is such, that, whereas, in the District Court of the United States for the Western District of Washington in a suit pending in said Court, between the United States of America vs. Florence Umbriaco, No. 49660, a judgment, sentence, commitment was entered as to said Florence Umbriaco, on September 30, 1957, and the said Florence Umbriaco, having filed in the Office of the Clerk of said Court Notice of Appeal in duplicate, from said judgment in the aforesaid suit, and the said appeal being now regularly pending.

Now Therefore, if the said Florence Umbriaco, surrender herself in execution of the judgment, upon its being affirmed or modified, or upon the appeal being dismissed, or that in case the judgment be reversed and the cause be reversed and the cause be remanded for a new trial she appear in the Court to which said cause may be remanded for a new trial and render herself amenable to any and all lawful orders and process in the premises, then this recognizance shall be void, otherwise to remain in full effect and virtue. This recognizance shall be deemed *a* construed to contain the "ex-

press agreement” for summary judgment, and execution thereon, mentioned in Rule 34 of the District Court. As a further condition the defendant is prohibited from leaving the jurisdiction of this Court without authorization of the United States District Judge.

/s/ FLORENCE UMBRIACO.

[Seal] MICHIGAN SURETY COMPANY,

/s/ By WILLIAM G. HIMELHOCH,

Attorney-in-Fact.

Approved: September 30, 1957.

/s/ WILLIAM J. LINDBERG,

United States District Judge.

Approved the day and year first above written:

/s/ MURRAY B. GUTERSON,

Assistant United States Attorney.

Bail Bond Attached.

[Endorsed]: Filed September 30, 1957.

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[Title of District Court and Cause.]

### NOTICE OF APPEAL

Name and address of appellant: United States of America, 1012 United States Courthouse, Seattle 4, Washington.

Name and address of appellant's attorneys: Charles P. Moriarty, United States Attorney, Western District of Washington, 1012 United States Courthouse, Seattle 4, Washington, and Mur-

ray B. Guterson, Assistant United States Attorney for said district, same address.

Offense: Violation of Section 1621, Title 18, U.S.C.

Concise statement of judgment or order, giving date: Appeal is from order dated September 23, 1957, granting defendant's motion for judgment of acquittal as to Count I following verdict of guilty by jury as to said Count I.

The undersigned, as counsel for the above-named appellant, United States of America, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the above-stated order.

Dated October 17, 1957.

/s/ CHARLES P. MORIARTY,  
United States Attorney,

/s/ MURRAY B. GUTERSON,  
Assistant United States Attorney,  
Attorneys for Appellant.

[Endorsed]: Filed October 17, 1957.

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[Title of District Court and Cause.]

### ORDER EXTENDING TIME

Upon reading and filing the annexed stipulation herein, dated the 4th day of November, 1957,

It Is Ordered that the time of appellant to file the record of the appeal herein and to take all steps necessary to the prosecution of this appeal and to

docket the same, be and the same is hereby extended to and including the 15th day of December, 1957.

Dated this 4th day of November, 1957.

/s/ WILLIAM J. LINDBERG,  
United States District Judge.

[Endorsed]: Filed November 4, 1957.

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[Title of District Court and Cause.]

### CERTIFICATE OF CLERK

United States of America  
Western District of Washington—ss.

I, Millard P. Thomas, Clerk of the United States District Court for the Western District of Washington, do hereby certify that pursuant to the provisions of Subdivision 1 of Rule 10 of the United States Court of Appeals for the Ninth Circuit, and Rule 39(b)(1) of the Federal Rules of Criminal Procedure, and designations of counsel, I am transmitting herewith the following original papers in the file dealing with the action, including exhibits, as the record on the appeals herein of both plaintiff and defendant, to the United States Court of Appeals for the Ninth Circuit at San Francisco, said papers being identified as follows:

1. Indictment, filed April 10, 1957.

14. Verdict, filed September 11, 1957.

Minute entry of September 23, 1957 granting motion of defendant for judgment of acquittal as to Count I.

23. Judgment and Commitment, filed 9-30-57.
24. Notice of Appeal, filed 9-30-57 by defendant.
25. Bond on Appeal, filed 9-30-57 (\$2500.00, Michigan Surety Company).
26. Notice of Appeal, filed 10-17-57 by plaintiff.  
Plaintiff's exhibits as follows:
  1. Stipulation re testimony of Florence Umbriaco in Cause No. 49580.
  2. Court Reporter's Transcript of Testimony of Florence Umbriaco in Cause No. 49580.
  3. Registration record sheet, Stewart Hotel.
27. Plaintiff's Designation of Contents of Record on Appeal, filed 11-1-57.
29. Order Extending Time to 12-15-57 for docketing record.
30. Court Reporter's Extract of Proceedings from trial, filed 11-26-57.
31. Defendant's Designation of Contents of Record on Appeal, filed 11-29-57.

In Witness Whereof I have hereunto set my hand and affixed the official seal of said District Court at Seattle this 6th day of December, 1957.

[Seal]                    MILLARD P. THOMAS,  
   Clerk,

/s/ By TRUMAN EGGER,  
   Chief Deputy.

In the District Court of the United States, Western  
District of Washington, Northern Division

No. 49660

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FLORENCE UMBRIACO,

Defendant.

TRANSCRIPT OF PROCEEDINGS

Transcript of Proceedings had in the within-entitled and numbered cause, before a Petit Jury, duly empaneled, and the Honorable William J. Lindberg, a United States District Judge, at Seattle, Washington, commencing on the Tenth day of September, 1957, at 10:00 o'clock a.m. [1]\*

Appearances: Murray B. Guterson, Assistant United States Attorney, Western District of Washington, Tenth Floor, United States Court House, Seattle 4, Washington, appeared for and on behalf of the Plaintiff; and John F. Evich, 1903 Smith Tower, Seattle 4, Washington, appeared for and on behalf of the Defendant. [2] \* \* \* \* \*

CONDIE M. MAY

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

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\* Page numbers appearing at top of page of Reporter's Original Transcript of Record.

(Testimony of Condie M. May.)

The Witness: Condie M. May, M-a-y (spelling).

The Clerk: C-o-n-d-i-e (spelling)?

The Witness: Yes.

Q. (By Mr. Guterson): Will you state your full name once again, sir? A. Condie M. May.

Q. And what is your address?

A. Stewart Hotel.

Q. And what is your occupation, sir?

A. I am the resident manager of the Stewart Hotel.

Q. How long have you been connected with the Stewart Hotel?

A. Oh, about thirty-seven years.

Q. Were you working at the Stewart Hotel during the month of June, 1952? [4] A. Yes.

Q. In your present capacity as manager?

A. Manager and auditor too, a combination.

The Clerk: Plaintiff's Exhibit number 3 marked for identification.

(Plaintiff's Exhibit 3 marked for identification.)

Q. (By Mr. Guterson): Mr. May, I am now handing you what has been marked as plaintiff's proposed Exhibit number 3. Will you kindly examine that sheet of paper and tell me whether or not you recognize it?

A. Yes, I do because of the—

Q. (Interposing) What is it, sir?

A. It is part of our records, our record of guests.



(Testimony of Condie M. May.)

Q. Is it a registration record for guests at your hotel?

A. It is a record of the parties registered, yes.

Q. And is that a record which is prepared at the Stewart Hotel in the regular course of your business? A. Yes.

Q. And has it been retained in the regular [5] course of your business with your regular business records? A. Yes.

Q. Are you the official custodian of that record?

A. Yes.

Q. To your knowledge, Mr. May, is that registration sheet in the same condition as it was when the entries thereon were made? A. Yes.

Mr. Guterson: We will offer proposed Exhibit 3.

Mr. Evich: No objection.

The Court: Exhibit number 3 may be admitted.

(Plaintiff's Exhibit 3 admitted in evidence.)

Mr. Guterson: Thank you.

(Whereupon, there was a brief pause.)

The Court: Any further questions?

Mr. Guterson: Just one, yes.

Q. (By Mr. Guterson): Directing your attention now to what has been admitted in evidence as [6] Exhibit number 3, Mr. May, do you note thereon the registration of anyone under the name of Frank and Mrs. LaMar? A. Yes, I do.

Q. And does it note the date that they were registered at the Stewart Hotel? A. Yes.

Q. What dates?

A. June 19th to 24th, 1952.

(Testimony of Condie M. May.)

Q. (By Mr. Guterson): Thank you, sir, I have no further questions.

Mr. Evich: No questions.

The Court: That is all, Mr. May.

Mr. Guterson: May Mr. May be permanently excused, your Honor?

Mr. Evich: No objection.

The Court: Very well, you may be excused from further attendance under the subpoena, Mr. May.

The Witness: Thank you.

Mr. Guterson: Thank you.

(Witness excused.)

Mr. Guterson: We will call Mr. Hass. [7]

### WALTER HASS

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

#### Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Walter Hass, H-a-s-s (spelling).

Q. (By Mr. Guterson): Will you state your full name, please?      A. Walter Hass.

Q. And how do you spell your last name?

A. H-a-s-s (spelling).

Q. And what is your residence address, Mr. Hass?      A. 22425 - 78th West, Edmonds.

Q. Edmonds?      A. Yes, sir.

Q. What is your occupation?

A. I am a bellman.

(Testimony of Walter Hass.)

Q. Where are you presently a bellman?

A. At the Stewart Hotel.

Q. How long have you been a bellman at the Stewart Hotel? [8]

A. Going on seven years.

Q. Do you recall when it was or what year it was that you first commenced your duties there?

A. In 1951, I believe, sir.

Q. And do you work any particular shift at the Stewart Hotel?

A. Yes, I work the night shift, eleven to seven in the morning.

Q. Have you worked that same shift during the entire period you have been there?

A. Yes, sir.

Q. Do you recognize the defendant in this case, Florence Umbriaco, Mr. Hass? A. Yes, I do.

Q. Do you see her here in the courtroom?

A. Yes.

Q. And by what name do you know the defendant? A. Florence LaMar.

Q. Do you recall when it was that you first met the defendant? A. I think it was in 1952.

Q. Where was it that you first met her in 1952?

A. She was living in the hotel. [9]

Q. At the Stewart? A. Yes, sir.

Q. And do you recall whether she was living there alone or with someone?

A. She was with her husband.

Q. Do you know what her husband's name is?

A. Frank LaMar or Umbriaco.

(Testimony of Walter Hass.)

Q. Following the time that you first met her in 1952 did you ever thereafter have occasion to telephone her?      A. Yes, one time.

Q. And do you know where it was that you called her at?      A. At her residence.

Q. Was it a Seattle 'phone number or some other?      A. A Seattle number.

Q. Did you have any conversation with her over the 'phone?      A. Yes, sir.

Q. And will you tell the court and the jury as best you can remember what you said and what she said in that 'phone conversation?

A. I asked her if she could come down to the hotel. [10]

Q. What did she say?

A. She could, I believe, or words to that effect.

Q. Do you recall anything else that was said in the telephone conversation; any words that you used or that she used?

A. I think I said, "I have a deal for you."

Q. A what?      A. A deal for her.

Q. What was the purpose of your calling her, Mr. Hass?

A. Well, I had a gentleman in the house that asked to see a girl.

Q. For what purpose?

A. Well, I imagine prostitution.

Q. Following your 'phone conversation with the defendant, did she come down to the Stewart Hotel?

A. Yes.

Q. Approximately how long after the 'phone

(Testimony of Walter Hass.)

conversation? A. Probably one-half an hour.

Q. Did you see her there? A. Yes.

Q. Where did you meet her? [11]

A. In the elevator.

Q. And do you operate the elevator during the night time hours? A. Yes, I do.

Q. Did you have any conversation with her in the elevator? A. I took her to the room.

Q. You what? A. I took her to the room.

Q. Did you have any conversation with her?

A. I just told her what type of a gentleman he was.

Q. Do you recall what you said and what she said, as best you can?

A. No, other than the fact that I told her that the fellow was a nice fellow, or something to that effect.

Q. Did you take her to any particular room in the hotel? A. Yes.

Q. Did you enter the room? A. No.

Q. Did she? A. Yes.

Q. Where did you go? [12]

A. Back in the elevator.

Q. Did you ever have occasion to see her again that night?

A. When she came out, yes, sir.

Q. Approximately how long later was that?

A. I couldn't remember, sir, now.

Q. Where did you see her when you next saw her that night? A. In the elevator.

Q. And at that time did you have any conver-

(Testimony of Walter Hass.)

sation with her?           A. Yes.

Q. What was said; just the best you can remember, by her and by yourself?

A. Well, I couldn't possibly recall that long. I know she gave me some money and that was about it. I don't remember what she said or what I said.

Q. Did you ever thereafter see her again during 1952?           A. I believe I had, yes.

Q. Where were those meetings at?

A. In the hotel.

Mr. Guterson: I have no further questions. [13]

#### Cross Examination

Q. (By Mr. Evich): Mr. Hass, you are not sure whether this was 1952 or 1953 when you first saw her?           A. The first time I saw her?

Q. Yes.

A. Well, it was shortly after she first checked in the hotel, sir.

Q. Do you have any way of fixing the date?

A. No, I haven't other than—

Q. (Interposing) You are just guessing as to what the dates were?

A. Yes, I would have to say that.

Q. It could have been 1953 or 1954?

A. Well, it was whenever they checked in at the hotel and it is supposed to have been 1952 and that is probably it.

Q. Well, did she and her husband check into the hotel more than once?

A. Yes, quite often, sir.

(Testimony of Walter Hass.)

Q. So that you don't know whether it was the first time they checked in or the second time or the third time?

A. It was the first time I ever met them.

Q. It was the first time you ever met them?

A. Yes.

Q. And that could have been 1954 as well as [14] 1952, could it not?

A. Well, it could have been, yes.

Mr. Evich: It could have been. I have no further questions.

The Court: Anything further, Mr. Guterson?

Mr. Guterson: Yes.

#### Redirect Examination

Q. (By Mr. Guterson): As best your memory serves you, Mr. Hass, how many years ago would you fix the time of your first meeting with the defendant?

Mr. Evich: If your Honor please, I object to the question. He has already answered it.

The Court: Objection overruled.

Q. (By Mr. Guterson): (Continuing) Do you understand the question?

A. Yes, sir. It was a good five years ago anyway.

Mr. Guterson: I have no further questions.

#### Recross Examination

Q. (By Mr. Evich): You are not positive of that? [15]

A. Yes, sir, I am.

Q. You are positive?

A. Yes, it is a good five years.

(Testimony of Walter Hass.)

Q. You have no way of fixing the time that you called? You say you called her on two occasions?

A. No, just one, sir.

Q. Just one; do you know her husband too?

A. Yes.

Mr. Evich: I have no further questions.

Mr. Guterson: Nothing further.

The Court: That is all.

Mr. Guterson: May this witness be permanently excused?

Mr. Evich: No objection.

The Court: You may be excused from further attendance under the subpoena.

The Witness: Thank you.

Mr. Guterson: Mr. Martell. [16]

### MARIUS MARTELL

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

#### Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Marius Martell, M-a-r-i-u-s (spelling).

The Clerk: Your last name?

The Witness: M-a-r-t-e-l-l (spelling).

The Clerk: M-a-r-t-e-l-l (spelling)?

The Witness: Yes.

Q. (By Mr. Guterson): Will you state your full name once again, sir?



(Testimony of Marius Martell.)

A. Marius Martell.

Q. Keep your voice up so that all can hear you.

A. Marius Martell.

Q. And what is your residence address, Mr. Martell?      A. 1945 Fairview North.

Q. That is here in Seattle?

A. Yes, sir. [17]

Q. What is your occupation?

A. I am a bellman.

Q. Where are you a bellman?

A. At the Stewart Hotel.

Q. How long have you been a bellman?

A. At the Stewart Hotel?

Q. Yes.      A. Seven years.

Q. Were you working at the Stewart Hotel during the period from June, 1952 until February, 1953?      A. Yes, sir.

Q. Do you recognize the defendant in this case, Florence Umbriaco?      A. Yes, sir.

Q. Excuse me?      A. Yes.

Q. When was it that you first met the defendant?      A. 1952.

Q. And by what name did you know her?

A. Just Flo.

Q. What?      A. Flo.

Q. Where was it that you first met her? [18]

A. At the hotel.

Q. The Stewart?      A. Yes, sir.

Q. And do you recall where in the Stewart Hotel it was that you first met the defendant?

A. In the side lobby.

(Testimony of Marius Martell.)

Mr. Evich: I didn't hear the answer.

The Witness: The side lobby.

Q. (By Mr. Guterson): The side lobby, is that your answer?      A. Yes it is, sir.

Q. Did you have any conversation with her on that occasion?      A. Not that I know of, no.

Q. Do you recall any words she said to you or that you said to her; not the exact words or anything but just as you recall it, the gist of what was said?

A. I can't possibly remember what was said but she said she was working.

Q. She said she was what?

A. She was working and gave me her number.

Q. What kind of work was she referring to?

Mr. Evich: Now, just a minute, your Honor. I object to that question as calling for a conclusion.

The Court: Objection sustained. [19]

Q. (By Mr. Guterson): (Continuing) Did she say anything further at all?      A. No, sir.

Q. You say she gave you her number; you mean a telephone number?      A. Yes, sir.

Q. Was there anything at all said concerning the telephone number?      A. No, sir.

Q. Did you take the number from her?

A. Yes, sir.

Q. Following that meeting with her did you ever have occasion to telephone her?

A. Oh, about one month later.

Q. And did you call her at the number you had?

A. Yes, sir.

(Testimony of Marius Martell.)

Q. Did you have any conversation with her over the telephone on that occasion?      A. No, sir.

Q. What was said; the gist of what you said when you called her, as best you can remember?

A. I told her to come down to the hotel. [20]

Q. What did she say?

A. She would be right down.

Q. Did she come down on that occasion?

A. Yes, sir.

Q. For what purpose had you called her, Mr. Martell?

Mr. Evich: Just a minute, your Honor. I object to that as calling for a conclusion. I think he can ask what was said and what was done.

The Court: Well, I think the form is probably objectionable. I will sustain it.

Q. (By Mr. Guterson): (Continuing) What circumstances or things had occurred prior to your calling her?      A. What was that again?

Q. What circumstances or things had occurred or transpired or had taken place before you called the defendant?

Mr. Evich: I will object to this, your Honor, as being too all-inclusive. It covers too much territory as to what occurred or what transpired; nothing as shown in the presence of the defendant and, therefore, I object.

The Court: I think he can testify as to why he called her if that is what you are asking. [21]

Mr. Guterson: That is what I am asking.

(Testimony of Marius Martell.)

Q. (By Mr. Guterson): (Continuing) Do you understand the question, Mr. Martell?

A. Why I called her?

Q. Why did you call the defendant?

A. Well, there was a man wanted somebody and I called her.

Mr. Evich: I can't hear a word you are saying.

The Court: Keep your voice up.

A. (Continuing) Somebody wanted a girl so I called her.

Q. (By Mr. Guterson): Somebody wanted a girl for what? A. Prostitution.

Q. Following your telephone call to the defendant did you see her that day or that night?

A. No.

Q. Did she come down to the hotel or didn't she? A. Yes, sir.

Q. Approximately how long after the telephone call? A. Well, one-half an hour. [22]

Q. Did you meet her at the hotel? A. Yes.

Q. Did you have any conversation with her when you met her?

A. I just told her to go upstairs to the room.

Q. Did you go anywhere with her, or did she go by herself? A. She went by herself.

Q. Did you tell her anything as to what room to go to? A. Yes.

Q. Did you give her a room number?

A. Yes, sir.

Q. After she left your sight then and went upstairs, did you see her again?

(Testimony of Marius Martell.)

A. Yes, when she came down.

Q. About how much later was that?

A. One-half an hour.

Q. Did you have any conversation with her then?      A. No.

Q. Did you receive anything from her then?

A. I think I did, yes.

Q. What?

A. Money, but I don't remember how much.

Q. Did you have any conversation with her at the time you received the money from her?

A. No.

Q. Was anything at all said by you to her or by her—by you to her or by her to you at that time, just anything?

A. Not that I can recall, sir.

Q. Following this occasion did you ever again call her?      A. Yes.

Q. Approximately how much after the first call was the second call?      A. About two weeks.

Q. Did you call her at the same number you had called the first time?      A. Yes.

Q. And what did you say and what did she say over the telephone on that occasion?

A. She said she would come down.

Q. What did you say to her?

A. I just asked her to come down to the hotel.

Q. And what did she say?

A. She would be down.

Q. Why did you call her on the second [24] occasion?      A. For the same reason.

(Testimony of Marius Martell.)

Q. Would you state it for the court and the jury, please?      A. For prostitution.

Q. And where was the prostitution to occur?

A. Up in one of the rooms of the hotel.

Q. In the Stewart Hotel?      A. Yes, sir.

Q. Following the second call did the defendant come down to the Stewart Hotel?      A. Yes.

Q. And about how long after the call?

A. Oh, I don't know exactly.

Q. Did you see her when she came down?

A. Yes, sir.

Q. And what conversation did you have with her or what did you say to her or what did she say to you?

A. Well, I just told her where to go.

Q. Did you give her a particular room number?

A. Yes, sir.

Q. Was that a room number of a room at the Stewart Hotel? [25]      A. Yes, sir.

Q. After she left your sight then on this occasion did you see her again?

A. Yes, she came right down and said there was nobody there.

Q. Did you have any conversation with her then when she came down?

A. After she told me that she left.

Q. Did you see her again?      A. No, sir.

Q. Did you during this same period of time call her on any other occasion?

A. Not that I can recall.

Mr. Guterson: I have no further questions.

(Testimony of Marius Martell.)

Cross Examination

Q. (By Mr. Evich): You didn't see her perform any acts of prostitution, did you, Mr. Martell?

A. No, sir.

Q. You don't know what happened in the room that she went into? A. No, sir.

Q. You are not positive as to the time that this happened either, are you?

A. No, sir. [26]

Q. Did you have occasion to call other girls?

A. Yes, sir.

Q. Could you be mixed up with other calls that you made to other girls? A. Pardon me?

Q. Could you be confused as to the time you called other girls and you now thought it was Flo?

A. I don't know what time it was or anything; dates or anything.

Q. You don't know anything about the dates or the times, do you? A. No, sir.

Q. You know that for the past seven years you have called Flo on two occasions, is that it?

A. It must be.

Q. You don't know when the dates were?

A. No, sir.

Mr. Evich: I have no further questions.

Redirect Examination

Q. (By Mr. Guterson): Did you testify before, Mr. Martell, that you regarded the first time you met her was in 1952? A. Yes, sir.

Mr. Guterson: I have no further questions. [27]

Mr. Evich: No further questions.

The Court: Is that all?

Mr. Guterson: That is all. May this witness be permanently excused?

Mr. Evich: No objection.

The Court: All right, you may be excused from further attendance under the subpoena.

(Witness excused.)

Mr. Guterson: Mr. Denny. [28]

### EDWARD J. DENNY

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

#### Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Edward J. Denny.

The Clerk: D-e-n-n-y (spelling)?

The Witness: Right.

Q. (By Mr. Guterson): Will you state your full name once again, sir?

A. Edward J. Denny.

Q. And what is your home address?

A. 7012 25th Northeast.

Q. That is here in Seattle? A. Seattle.

Q. What is your occupation? A. Bellman.

Q. Where are you employed?

A. Hungerford Hotel.

Q. Approximately how long have you been employed as a bellman at the Hungerford Hotel?



(Testimony of Edward J. Denny.)

A. Approximately four years. [29]

Q. Do you recognize the defendant in this case, Florence Umbriaco?      A. Yes, I do.

Q. And when was it that you first met the defendant?      A. Oh, 1954.

Q. Do you recall approximately what month during 1954 that it was?

A. Well, it was around August.

Q. What name did you know her by?

A. Flo.

Q. Any last name at all?      A. No.

Q. Where was it that you first met her?

A. Hungerford Hotel.

Q. And do you recall the circumstances or what conversation, if any, you had with her at the time of this first meeting?

A. Well, I think I called her the first time.

Q. You called her?      A. Yes.

Q. And following that call did she come down to the hotel?      A. Yes.

Q. And that is the first time you had seen her?

A. Yes. [30]

Q. And what conversation, if any, did you have with her when you first saw her when she did come down to the hotel?

A. Well, I saw her in the elevator.

Q. Did you have any conversation with her?

A. Very short.

Q. Do you recall what it was, however short it may have been?

A. Well, she—as close as I can remember she

(Testimony of Edward J. Denny.)

said—she thanked me for the call and went on out.

Q. Why had you called her?

A. Well, I had a call.

Q. A call for what?           A. For a girl.

Q. A girl for what?           A. Prostitution.

Q. At the Hungerford Hotel?    A. Yes, sir.

Q. Did you take the defendant to any particular room in the hotel?           A. No, sir.

Q. Did you take her into the elevator?

A. No, sir. [31]

Q. Did you tell her where to go, what room to go to?           A. Yes, sir.

Q. And following that did you see her again that day or that evening?

A. No; I saw her when she went out of the elevator, when she was leaving.

Q. When she was leaving. About how much later was that after you directed her to the room?

A. I don't know, probably one-half hour.

Q. And did you have any conversation with her then?           A. Very short.

Q. Did you receive anything from her then?

A. Yes.

Q. What was it?           A. Money.

Q. At the time you received the money did you have any conversation with her at all? Did she say anything at all or did you say anything at all to her?

A. Well, I think she thanked me for the call and said I could call her any time.

Q. Did you ever again thereafter call her?

(Testimony of Edward J. Denny.)

A. Yes. [32]

Q. Approximately how many times thereafter did you call her?

A. Oh, five or six; in that neighborhood.

Q. What period of time would you say was covered during this period that you say you called her five or six times?

A. Oh, probably over a period of four months.

Q. Beginning in August, 1954?

A. And thereafter.

Q. Immediately thereafter?           A. Yes.

Q. And on those occasions did you call her at the same number you had called her on at the first time?           A. Yes.

Q. Why did you call her on each of those additional five or six occasions?

A. For the same thing I called her the first time.

Q. Will you state what it was for the record, Mr. Denny?           A. Prostitution.

Q. Did it relate to prostitution at the Hungerford Hotel?           A. Yes, sir. [33]

Q. On each of those occasions did she come down to the Hungerford Hotel?           A. Yes, sir.

Q. And on each of those occasions did you direct her to a room in the hotel?

A. No, I gave her the room number.

Q. Did you give her the room number?

A. Yes.

Q. Was it a different room number each time?

A. Yes.

(Testimony of Edward J. Denny.)

Q. Different guests involved? A. Yes.

Q. What arrangement, if any, did you have with her for meeting her following going to the particular room number you had given her?

A. When she was ready to come down she would call and ask for me and I would go to the room.

Q. And bring her down?

A. And knock on the door and we would meet in the elevator and come down and that was it.

Q. On each of these occasions did you receive anything from her?

A. I received money, yes.

Mr. Guterson: I have no further questions. [34]

#### Cross Examination

Q. (By Mr. Evich): Did you call other girls, Mr. Denny? A. No, sir.

Q. What? A. No, sir.

Q. This is the only girl you ever called? How long have you been bellhopping?

A. Since 1929-'31.

Q. Since what? A. '31.

Q. Since 1931, and it is your testimony that this is the only girl that you have ever called?

A. Ever called?

Q. Yes, sir. A. No, sir.

Q. You have called other girls?

A. Yes, sir.

Q. Did you call others during the period of time you testified you called Flo? A. No.

Q. Now, you don't know what went on in the

(Testimony of Edward J. Denny.)

room or what happened?           A. No, sir.

Q. You had no prearranged agreement with [35] the defendant here, did you?

A. What do you mean, sir?

Q. Well, you didn't have any arrangement with her that you were to get so much money from her?

A. No.

Q. Do you recall the room numbers?

A. No, I do not.

Q. You don't recall any of that at all?

A. (Witness nodded in the negative.)

Q. You saw her perform no acts of prostitution?

A. I beg pardon?

Q. You saw her perform no acts of prostitution?

A. No, sir.

Q. You didn't see her take any money from any man?           A. No, sir.

Q. You didn't see her perform an act of intercourse?           A. No, sir.

Mr. Evich: I have no further questions.

Mr. Guterson: Nothing further.

The Court: That is all. [36]

Mr. Guterson: May Mr. Denny be permanently excused?

Mr. Evich: No objection.

The Court: Very well; Mr. Denny, you may be excused from further attendance under the subpoena.

(Witness excused.)

Mr. Guterson: Mr. Campbell. [37]

## GAIL GORDON CAMPBELL

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

## Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Gail Gordon Campbell.

The Clerk: G-a-i-l (spelling)?

The Witness: Yes.

The Clerk: C-a-m-p-b-e-l-l (spelling)?

The Witness: Yes.

Q. (By Mr. Guterson): Just have a chair, please. Will you state your full name, please?

A. Gail Gordon Campbell.

Q. Gail Gordon Campbell?

A. That is right.

Q. What is your address?

A. 2417 West 197th.

Q. 2417 West 197th? A. Yes.

Q. What is your occupation? A. Janitor.

Q. And where are you a janitor? [38]

A. At the Washington Athletic Club.

Q. At the Washington Athletic Club?

A. Yes.

Q. What shift do you work as a janitor?

A. Nights.

Q. How long have you worked there as a janitor? A. Eleven years.

Q. Are you working there now? A. Yes.

Q. Do you recognize the defendant in this case?

(Testimony of Gail Gordon Campbell.)

A. Yes.

Q. And by what name do you know her?

A. Flo Andrews.

Q. Flo Andrew? A. Yes.

Q. When was it approximately that you first met the defendant, as you remember it, Mr. Campbell? A. Near the end of '53.

Q. Near the end of '53; where was it that you first met her?

A. At a drugstore in the Astor Hotel.

Q. Excuse me? [39]

A. In the drugstore at the Astor Hotel.

Q. At a drugstore, did you say, at the Astor Hotel? A. Yes.

Q. Is that in Seattle? A. Yes.

Q. Following that first meeting and on the occasion of the first meeting with her did you have sexual intercourse with her? A. Yes.

Q. Where did that take place?

A. At the hotel, the Astor Hotel.

Q. Were you living at the Astor Hotel?

Mr. Evich: If your Honor, please——

A. (Interposing) No.

Mr. Evich (continuing) ——I will object to this and ask for a mistrial as going beyond the bounds of the indictment charge in this case. They have got her charged with perjury on two counts and now they are taking in proof of other crimes, which is highly prejudicial to this defendant, and I ask for a mistrial.

(Testimony of Gail Gordon Campbell.)

The Court: Well, the action just testified to, of course, is not within the period.

Mr. Guterson: It is not directly within the period, your Honor, but I think it bears [40] properly upon it, and I also believe Exhibit number 2, which is in evidence, the transcript of the entire testimony of the defendant on the prior occasion covers certainly this period we are going into is before the jury already.

Mr. Evich: She admits certain acts with this man during the period.

Mr. Guterson: If we can stipulate to the period prior to the period here it is most agreeable.

Mr. Evich: It is strictly prejudicial.

The Court: Well, I think we will at this time strike this portion of the testimony and I suggest you go up to the period involved in the indictment.

Members of the jury, the court strikes the testimony of this witness with respect to the matters referred to which occurred during 1953—

Q. (By Mr. Guterson): You testified—

The Court: (Continuing) —and the jury will disregard it.

Mr. Guterson: Excuse me.

Q. (By Mr. Guterson): (Continuing) You testified, Mr. Campbell, [41] that you met the defendant in 1953. Over what period of time did you know her from; 1953 to when? For how many years did you know her? A. Four years.

Q. Right up to the present time?

A. Present time.



(Testimony of Gail Gordon Campbell.)

Q. All right, did you know her during the period between September, 1954 and December, 1955?

A. Yes.

Q. Now, during that approximate fifteen-month period did you ever have sexual intercourse with her for money? A. Yes.

Q. And during that period approximately how often would you say that you did have intercourse with her for money; every week, every month, every two months?

A. Every month, something like that.

Q. And approximately how much did you pay her on each of those occasions?

A. Fifty dollars.

Q. Fifty dollars; did those acts of sexual intercourse take place at just one place or at different places? [42] A. Different places.

Q. What places, for example?

A. Oh, different hotels.

Q. Different hotels, did you say? A. Yes.

Q. Here in Seattle? A. Yes.

Q. Now, on those occasions did you and she arrange to meet one another or did you meet her by having some bellman or some bellhop at a hotel call her?

A. We arranged them ourselves.

Mr. Guterson: I have no further questions.

#### Cross Examination

Q. (By Mr. Evich): Mr. Campbell, you loaned the defendant some money, did you not? You loaned her some money, did you not?

(Testimony of Gail Gordon Campbell.)

A. She owed me.

Q. She owed it to you?           A. Yes.

Q. But you loaned it to her?       A. Yes.

Q. You gave it to her willingly?

A. Yes. [43]

Q. You say you visited her, you made arrangements to visit her yourself, is that right?

A. Yes.

Q. You were never in the Stewart Hotel, were you?           A. No.

Q. You say you have known her for about four to five years, is that right?       A. That is right.

Q. Do you consider Flo your friend?

A. Yes.

Q. She is a good friend of yours?

A. Yes, sir.

Q. Is that right?           A. That is right.

Mr. Evich: I have no further questions.

Mr. Guterson: Nothing further.

The Court: That is all, Mr. Campbell.

Mr. Guterson: May Mr. Campbell be permanently excused?

Mr. Evich: No objection.

The Court: You may be excused from further attendance.

(Witness excused.)

Mr. Guterson: Mr. Hutchings. [44]

THOMAS HUTCHINGS

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Thomas Hutchings, H-u-t-c-h-i-n-g-s (spelling).

Q. (By Mr. Guterson): Will you state your full name once again, please?

A. Thomas Hutchings.

Q. What is your home address?

A. 9415 21st SW.

Q. That is here in Seattle? A. Yes, sir.

Q. What is your occupation, Mr. Hutchings?

A. Bellboy.

Q. Where are you a bellboy?

A. Morrison Hotel.

Q. How long have you been a bellboy at the Morrison Hotel?

A. Three and one-half years.

Q. That is three and one-half years dating [45] back from today, approximately? A. Yes.

Q. Prior to the time you were a bellboy at the Morrison, just before that, where did you work?

A. At the Stewart Hotel.

Q. What kind of work did you do there?

A. The same thing, bellboy.

Q. Now, do you know the defendant in this case, Florence Umbriaco? A. Yes.

Q. What name do you know her by?

(Testimony of Thomas Hutchings.)

A. Well, Florence LaMar.

Q. And do you recall where it was that you first met her?      A. At the Stewart Hotel.

Q. Where in the Stewart?

A. I think it was in the bar.

Q. Do you recall approximately when it was that you first met her?

A. That is the first time I met her.

Q. Do you know when that was? Approximately when it was?      A. I think it was in 1953.

Q. Now, during the period between September, 1954 and December, 1955, were you working at the Morrison Hotel? [46]      A. Yes.

Q. During that period did you ever see the defendant?      A. Yes.

Q. Where was it that you saw her during that period; was it at the Morrison or at another place?

A. At the Morrison.

Q. During that period did you ever have occasion to telephone her?      A. Yes.

Q. Did you telephone her in Seattle or some other community?      A. In Seattle.

Q. And why did you call her on the occasions that you did call her during that period?

A. Oh, to perform an act of prostitution.

Q. Where at?      A. At the Morrison Hotel.

Q. Approximately, as best you can recall it, Mr. Hutchings, what did you say over the 'phone and what did she say; just the gist of the conversation?

A. Well, I asked if she could come down and [47] she would say yes or no.

(Testimony of Thomas Hutchings.)

Q. If she said yes, did she come down?

A. Yes.

Q. Approximately how long following the telephone conversation?

A. Oh, one-half hour, to one hour, I think.

Q. Did you have any conversation with her at the Morrison Hotel when she came down?

A. Not usually.

Q. Did you say anything at all to her or did she say anything at all to you?

A. Well, I would usually just take her up to the room. I don't remember what we said.

Q. Did you run the elevator?           A. Yes.

Q. Did you take her to a particular room in the hotel?           A. Yes.

Q. And following taking her to the room did you see her on that occasion sometime thereafter?

A. Yes.

Q. Approximately how much later?

A. Well, I don't know exactly, maybe one-half an hour, something like that. [48]

Q. Did you receive anything from her on that occasion?           A. Yes.

Q. What?           A. Money.

Q. Did you have any conversation or any words at all between the two of you when you saw her again?

A. I don't think so. I can't remember any.

Q. Do you remember anything at all said by you to her or by her to you?           A. No.

Q. Approximately how many times during that

(Testimony of Thomas Hutchings.)

period from September, 1954, until December, 1955, did you call her?

A. I think three or four times.

Q. And why did you call her on each of those three or four times?

A. For the same thing.

Q. What was that same thing?

A. Prostitution.

Q. At the Morrison? A. Yes.

Q. Did you receive any money from her on each of those occasions? A. Yes. [49]

Q. During that same fifteen-month period, Mr. Hutchings, did you ever receive any calls from her?

A. I don't think so.

Q. Did you ever meet her at the hotel when she came in by herself without you having called?

A. Oh, yes, she had been in there before.

Q. Did you ever have any conversations with her on those occasions?

A. I think one time she came in and got some whiskey is all.

Q. Did she say anything or did you have any conversation with her?

A. I don't know, I might have sat down and had a drink with her. I can't remember.

Mr. Guterson: I have no further questions.

#### Cross Examination

Q. (By Mr. Evich): When did you say you first met her? A. At the Stewart Hotel.

Q. What year was that?

(Testimony of Thomas Hutchings.)

A. I think in 1953.

Q. 1953; you say you called her at the Morrison Hotel?  
A. Yes, sir. [50]

Q. What was the first time you made the call?

A. I was working at the Morrison Hotel but I don't know the date.

Q. You don't know the dates?  
A. No, sir.

Q. You don't know whether it was the period September, 1954, until December, 1955; you don't know whether it was in that time or later?

A. I know it was during that time.

Q. The first call you made, was that the time you were arrested?

A. I don't know exactly, no.

Q. What?

A. I don't exactly know that.

Q. Was that the first time you called her?

A. No, I don't think so.

Q. You were arrested in the Morrison Hotel, weren't you?  
A. Yes, sir.

Q. And she was arrested too there, wasn't she?

A. Yes.

Q. And that was the first time you met her?

A. No, I met her before then. [51]

Q. You met her before then but you never called her before the time you were arrested?

A. I said I didn't remember if I did or not.

Q. You don't know what part of 1953 you met her in either?  
A. No.

Q. You never saw her perform any acts of prostitution?  
A. No, sir.

(Testimony of Thomas Hutchings.)

Q. Did you ever see her take any money from anyone?      A. No, sir.

Q. You were arrested in 1956, weren't you?

A. Well, I don't know. I have been arrested a couple of times.

Q. At the Morrison Hotel in 1956, is that right?

A. Yes, sir.

Mr. Evich: I have no further questions.

#### Redirect Examination

Q. (By Mr. Guterson): Had you ever called the defendant to your knowledge, Mr. Hutchings, since the time you were arrested with her?

A. Since the time? [52]

Q. Yes.      A. No, sir, I haven't.

Q. And, therefore, the three or four times you mentioned were times before the arrest?

A. Yes.

Mr. Guterson: No further questions.

#### Recross Examination

Q. (By Mr. Evich): You don't know when they were; they could have been in the spring of 1954 or the fall of 1954?

A. Well, I don't know the dates but I know I was working at the Morrison Hotel.

Q. In other words, you would have to guess at it?      A. Yes.

Mr. Evich: No further questions.

Mr. Guterson: I have nothing further.

The Court: That is all.



Mr. Guterson: May this witness be excused, your Honor?

Mr. Evich: No objection.

The Court: All right, this witness may be excused from further attendance under the subpoena.

(Witness excused.) [53]

\* \* \* \* \*

ALFRED G. GUNN

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Alfred G. Gunn. G-u-n-n (spelling).

Q. (By Mr. Guterson): Will you state your name? A. Alfred G. Gunn.

Q. What is your occupation?

A. I am a special agent of the Federal Bureau of Investigation.

Q. How long have you been so engaged?

A. For approximately sixteen years.

Q. And to what office are you presently assigned, Mr. Gunn? A. The Seattle office.

Q. How long have you been assigned out of the Seattle office? A. Since 1952.

Q. Are you familiar with the defendant in this case, Florence Umbriaco? [56] A. Yes, I am.

Q. Do you recall when it was that you first spoke with the defendant?

(Testimony of Alfred G. Gunn.)

A. I first spoke with her on the 'phone at about  
—in about May of 1956.

Q. And by what name did you know her at that time?

A. Well, I knew of her as Florence Umbriaco, Florence LaMar, Eileen Farber. At that time those were the names I knew.

Q. Did you have occasion to talk to her some time thereafter over the telephone?

A. Yes, I did.

Q. When was that?

A. That was during the night of November 3rd, 1956.

Q. And where were you when you talked to her that night on the 'phone?

A. I was at my home.

Q. Pursuant to a message had you called her?

A. Yes, I had.

Q. Did you speak with her over the 'phone that night?      A. Yes, I did.

Q. And can you relate for the court and the [57] jury what you said and what she said on that night?

A. The gist of it was that I arranged for her to meet me shortly after that call in my office, the FBI office, in Seattle.

Q. Did you meet her that night in the FBI office?      A. Yes, I did.

Q. And who was present at the time of that meeting?

A. There was the night man that was on duty at

(Testimony of Alfred G. Gunn.)

the FBI. He was in the room, just through the glass from where I interviewed Florence, but just she and I were in the interview together.

Q. In your discussions with her on the night of November 3, 1956, Mr. Gunn, I will ask you specifically whether or not you and she discussed anything concerning the period from June, 1952 until February, 1956?      A. Yes, we did.

Q. And to the best of your recollection, Mr. Gunn, will you tell us what you said and what she said concerning her work and so forth over that period of time?

A. Yes, This was during the discussion I had with her when we came to the period of June, 1952. [58] She advised me she had come to Seattle in June, 1952, with Frank Umbriaco, to whom she was married; that immediately upon arriving in Seattle—they had also come up with Frank's brother in his car—and immediately upon arriving in Seattle they had checked in at the Stewart Hotel. She advised me immediately after that Frank Umbriaco made arrangements with various bellhops, including Walsh, and Ernie, and Francie, and Oren and Chick for her to work as a prostitute while living at the Stewart Hotel. She told me she did work there while she and Frank lived there until they found an apartment at the Cambridge Hotel.

Q. Did she advise you how long they resided at the Cambridge Apartments?      A. Yes, she did.

Q. What period did that cover?

(Testimony of Alfred G. Gunn.)

A. From the latter part of June, 1952 until February, 1953.

Q. During that approximate eight-month period, Mr. Gunn, did the defendant tell you anything about what she was doing here in Seattle?

A. Yes, she did.

Q. What did she say?

A. She told me she worked as a prostitute, [59] as a call prostitute, at the Stewart Hotel, and several other hotels in Seattle.

Q. Did she mention the names of any other hotels?

A. Yes, she did. She mentioned during this period other hotels, including the Atwood and the St. Regis and the Hungerford, and the Stratford Hotels.

Q. During the course of this discussion and interview with the defendant on the night of the third of November, did you have any conversations with her touching upon the period between September, 1954, and December, 1955?

A. Yes, I did.

Q. What did the defendant say to you and what did you say to her concerning that approximate fifteen-month period?

A. She told me that in about September, 1954, she and Frank Umbriaco had returned to Seattle from a trip they had made to Eureka, California, and that immediately upon resuming their residence here in Seattle at that time, she told me, they went again to the Stewart Hotel and checked in for a

(Testimony of Alfred G. Gunn.)

few days until they found another place to live; that she immediately started practicing prostitution [60] again under the call basis in Seattle and she told me the various places she lived after coming back to Seattle in the fall of 1954.

Q. Where did she say they lived after working out of the Stewart Hotel on that occasion?

A. She told me they lived on Capital Hill at an address on Eleventh Street; and she told me they lived in an apartment at 705 East Thomas; and from there they moved to a home out on Dexter Avenue.

Q. What did she say was her work or occupation during those months after she and Frank moved out of the Stewart Hotel?

A. She told me she worked the entire time as a prostitute, a call prostitute, at various hotels, the Hungerford, the St. Regis, the Morrison, the Stewart and the Stratford, I recall.

Q. Following this conversation with the defendant on November 3, did you ever again have an opportunity to speak with her concerning any of these matters?      A. Yes, I did.

Q. When was that, sir?

A. That was on the morning of December 11, 1956. [61]

Q. Where did that conversation take place?

A. In this building, upstairs in the United States Attorney's office space.

Q. And who was present in the immediate room where you and she were?

(Testimony of Alfred G. Gunn.)

A. Well, at the beginning of the interview and during parts, most of it, another special agent, Edward Breen, and myself and Florence were present. Mr. Breen was in and out of the room during the interview.

Q. Were you the only agent there then all the time?      A. Yes, I was.

Q. What on that occasion, Mr. Gunn, did you and the defendant discuss concerning the period from June, 1952 until February, 1953?

A. The same information as we had discussed on the previous interview, the places that she had lived, the places that she had worked as a call prostitute, including the Stewart Hotel and other hotels in Seattle.

Q. Did you on this same occasion in December, Mr. Gunn, 1956, have occasion to speak with the defendant concerning the period September, 1954, until December, 1955? [62]'

A. Yes, I did.

Q. What statement, if any, did she make concerning her work or occupation during that period of time?

A. She made the same statements as to her coming back from this trip to Eureka, California, and the places that she lived and the places she practiced as a call prostitute, the various hotels in Seattle.

Mr. Guterson: I have no further questions.

(Testimony of Alfred G. Gunn.)

Cross Examination

Q. (By Mr. Evich): Mr. Gunn, you say that you talked to her alone on these occasions?

A. I talked to her alone. The first occasion in the FBI office I interviewed her myself then.

Q. That was in November, 1956?

A. November 3, 1956.

Q. Did you talk to her alone December 11, 1956?

A. Part of the time we were alone. Mr. Breen was in and out. He was busy on another matter part of the time.

Q. December 11, 1956, was she under arrest?

A. No, she was not. [63]

Q. Was there a marshal served—was she served a subpoena by the United States Marshal at that time?

A. She was awaiting testimony before the Grand Jury. She was waiting.

Q. She was brought in by the Marshal?

A. She accompanied the Marshal and myself.

Q. By an order she came in?

A. It was under a subpoena to the Grand Jury and I interviewed her while she was waiting to be called before the Grand Jury.

Q. She didn't come in of her own volition then as you implied at first?

A. On December 11, 1956, she came in on a subpoena.

Q. Yes; now, what was her condition on December 3, 1956 when you talked to her?

(Testimony of Alfred G. Gunn.)

A. November 3 or December? I didn't talk to her December 3.

Q. November 3, 1956?

A. Yes, she had been drinking. I could tell that when I talked to her on the 'phone and when I arrived at my office and she told me she had been drinking. However, she was not drunk by any means and after I interviewed her for an hour or so she told me she was getting somewhat nauseated [64] and wanted to get out in the fresh air and that is the reason we discontinued the interview at that time.

Q. She was under the influence of liquor?

A. She had been drinking. She was not drunk in my opinion.

Q. But she was nauseated?

A. She told me she felt like she might be nauseated.

Q. Now, on December 11, 1956, was she under the influence then?

A. No. She apparently had been drinking during the previous night. I might explain that if you care for me to.

Q. I say, was she under the influence when you talked to her December 11, 1956?

A. She was not under the influence of liquor, no, she had been drinking.

Q. Was she under the influence of anything else besides alcohol?

A. Well, she had been physically beaten up several days previous to that and the morning that I



(Testimony of Alfred G. Gunn.)

contacted her on December 11 she had a doctor examine her and I was in the same house when the doctor was there and before she left with the Marshal and myself to come to this building the [65] doctor advised that her condition was such that she could come and satisfactorily appear.

Q. Did the doctor tell you at that time that she was under the influence of some drug that he had given her?      A. No, he did not.

Q. Did he tell you that he had administered any drug at that time?

A. He told me that he had examined her and he may have mentioned that he gave her a pill or shot of some kind but I don't think so. I specifically asked the doctor if her condition was such that she could come down and appear before the Grand Jury and he advised definitely she could.

Q. She had been beaten up by her husband?

A. That is my understanding. She told me that that morning. I think that was Tuesday morning and he had beaten her the previous Thursday.

Q. There wasn't any question but she had been beaten up?      A. Not in my mind, no.

Q. It was obvious she had been injured?

A. Well, she had marks on her neck and the side of her face from some type of injury. [66]

Q. It was apparent she was injured?

A. Well, something caused the marks and she told me what it was. Her husband beat her up and she told me why he beat her, too.

Q. Do you remember the doctor's name?

(Testimony of Alfred G. Gunn.)

A. I have his name written down. As I recall offhand it was a Dr. Morris—spelled a little differently than just Morris—in Ballard.

Q. You don't recall his name but you say it is Morris and you are not sure what it is.

A. I have it written down. I asked him his name at the time and I made a note of it and I put that in my file. He is from Ballard. It seems to me it is pronounced Morris but it is not spelled Morris.

Q. Was the doctor in her home or was she in the doctor's home?

A. The doctor came to her home.

Q. Was he there when you arrived?

A. No, he was not.

Q. He arrived after you got there?

A. Yes, that is right.

Q. Who was the officer with you at the time? What other agent was with you?

A. Are you referring to the time at her home?

Q. Yes, the time you brought her down here, December 11.

A. That was a Deputy United States Marshal. I think his name is Bernard Freeman.

Q. Was that Mr. Freeman that was with you?

A. Yes, I am pretty sure that is his name. He is still a Deputy United States Marshal down on the third floor.

Mr. Evich: I have no further questions.

Mr. Guterson: Nothing further.

The Court: That is all, Mr. Gunn.

The Witness: Thank you.

(Witness excused.)

Mr. Guterson: Mr. Coyne. [68]

VERNON P. COYNE

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Vernon P. Coyne. C-o-y-n-e (spelling).

Q. (By Mr. Guterson): Will you please state your full name once again, sir?

A. It is Vernon P. Coyne.

Q. What is your occupation, Mr. Coyne?

A. Special Agent, Federal Bureau of Investigation.

Q. How long have you been so engaged?

A. Approximately ten years.

Q. To what office are you presently attached?

A. The Seattle office.

Q. And how long have you been here in Seattle?

A. Since April, 1956.

Q. In the course of your duties as a Special Agent of the FBI, Mr. Coyne, have you met the defendant, Florence Umbriaco? [69]

A. I have.

(Testimony of Vernon P. Coyne.)

Q. And when was the first time that you met her, sir?

A. In June, June 12 of this year.

Q. And where did this meeting take place?

A. In George's on Sixth and Seneca.

Q. George's Cafe? A. George's Cafe.

Q. Who was present at that meeting?

A. Special agent Edward Breen, myself and the defendant.

Mr. Evich: I didn't get the name of the other agent.

The Witness: Edward Breen.

Q. (By Mr. Guterson): Did you have some conversation with the defendant at that time?

A. We did.

Q. Prior to the beginning of those conversations did either you or agent Breen in your presence advise the defendant that she had no compulsion or was under no compelling reason to speak with you?

A. Agent Breen made those statements to her. He told her, "You know, you have an attorney. You don't have to talk to us." [70]

Q. Could you describe her condition on that occasion so far as sobriety is concerned, Mr. Coyne?

A. She appeared to me to be sober.

Q. During the course of your meeting and conversation with her on June 12, 1957 did the defendant say anything to you and Agent Breen concerning the testimony which she had given in federal court on April 3, 1957?

A. Yes, she did. She stated to us that she had

(Testimony of Vernon P. Coyne.)

voluntarily called Breen—not Breen, excuse me—Gunn, Special Agent Gunn, on three occasions and she had given him a written statement and that statement was the absolute truth.

Further, that Frank Umbriaco's lawyer had told her lawyer to be sure to tell the truth during that trial; that she had come into court and she let not only Gunn down but the FBI and also Mr. Guterson.

Q. During the course of your conversation with the defendant on that occasion of June 12, 1957, did she say anything to you and Special Agent Breen concerning what her occupation had been both over the period from June of 1952 until February, 1953, and also the period from September, 1954 until December, 1955? [71]

A. She stated that she had been a call girl during that period. She stated that she worked out of the various hotels and that she had made thousands of dollars at that occupation and she always wanted to go first-class and that is how she made her money and she stated at least half of the money she earned in that manner went to Frank, and she stated at the time she was talking to us that he has now got it all.

Q. During the course of your interview and conversation with the defendant on June 12, 1957, did she say anything to you and Special Agent Breen concerning her knowledge of and activities with one Gail Gordon Campbell during the period from September, 1954 until December, 1955?

(Testimony of Vernon P. Coyne.)

A. Yes, she did. She stated to us that that person was a regular trick of hers. She charged him fifty dollars on each occasion and she went on further to describe him and she said he was horrible. She said, "You have no idea what it is to have to go to bed with a man like that. He is an imbecile and an idiot and he can't talk and I earned every penny I got from him."

She stated further she had received \$2,000 from him in a lump sum and she was going to invest [72] that in a restaurant and bar but the plans fell through.

Q. During the course of this conversation with the defendant on June 12, 1957, Mr. Coyne, did the defendant say anything to you and Special Agent Breen concerning having discussed what testimony she was going to give April 3, 1957, in the federal court before she did in fact testify April 3, 1957?

A. Yes, she did. She stated that she had the bellboys who she thought were going to testify come into her room and they had discussed the testimony that they were going to give and she stated that in general—she named one of the bellboys by the name of Kenny from the Stewart and he was only going to say that, "He called me twice and that is a laugh because I make my living that way and if he or any bellboy say they called me twice they are committing perjury because I made my living that way and how could I live unless they called me?"

Mr. Guterson: I have no further questions.

(Testimony of Vernon P. Coyne.)

Cross Examination

Q. (By Mr. Evich): Mr. Coyne, you say this took place in George's Cafe? [73]

A. Yes, it did.

Q. Was that a cocktail lounge?

A. Yes, it is.

Q. Were you in the cocktail lounge?

A. We were.

Q. Was she drinking?

A. She had a drink in front of her when we came in.

Q. Did you have a drink with her?

A. No.

Q. How long were you with her?

A. From one thirty-five to two twenty; that is p.m., approximately thirty minutes.

Q. Thirty minutes?

A. Fifty-five minutes.

Q. Fifty-five minutes; you say you had nothing to drink during that time?

A. That is right.

Q. Did she have anything to drink?

A. She did.

Q. Quite a bit?

A. She had a drink in front of her when we came in and she said, "This is my first", and she ordered another while we were there and that was there when we left. [74]

Q. She was drinking right along?

A. Yes, she was.

(Testimony of Vernon P. Coyne.)

Q. Did you say you were there and Mr. Breen?

A. Yes, that is right.

Q. Did you make any record of her conversation?

A. We did not.

Q. Did you say she called you there?

A. No, she called Special Agent Breen at our office.

Q. And you went along?

A. And I went along.

Q. You have recording devices, do you not, that record conversations sitting in a barroom?

A. There are such things in existence.

Q. You have that available, do you not?

A. I can get them but we did not on that occasion.

Q. You have a lot of recording—a lot of equipment for recording of testimony or conversations with people, have you not?

A. We do have such equipment.

Q. You are instructed in the use of recording apparatus too, are you not?

A. We know how to use them, yes. [75]

Mr. Evich: Yes. I have no further questions.

Mr. Guterson: Nothing further, your Honor.

The Court: That is all, Mr. Coyne.

(Witness excused.)

Mr. Guterson: Mr. Breen. [76]



EDWARD LEO BREEN, JR.

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Edward Leo Breen, Jr., B-r-e-e-n (spelling).

Q. (By Mr. Guterson): Will you state your full name again, please?

A. Edward Leo Breen, Jr.

Q. What is your occupation?

A. Special Agent Federal Bureau of Investigation.

Q. How long have you been engaged in that?

A. Since February, 1951.

Q. To what office are you presently assigned?

A. Seattle.

Q. How long have you been here in Seattle?

A. Since 1952.

Q. Are you familiar in the course of your duties as an agent of the FBI with the defendant, Florence Umbriaco?      A. I am. [77]

Q. Did you have occasion to participate in her arrest on April 12, 1957?      A. I did.

Q. Where did that take place?

A. At her room, 805 of the Cambridge Hotel on Fourth Avenue here in Seattle.

Q. At that time did you direct any questions to her concerning what her occupation was?

(Testimony of Edward Leo Breen, Jr.)

A. I did.

Q. What response did she make?

A. Housewife.

Q. Did you receive any telephone call or get any word from the defendant during the month of June, 1957?      A. I did.

Q. Where were you when you received that call?

A. At my office.

Q. In Seattle?      A. In Seattle, yes.

Q. What was the date of the call?

A. June 12.

Q. What was the gist or substance of the conversation between yourself and the defendant?

A. The defendant identified herself and I [78] recognized her voice and she said, "Mr. Breen, this is Florence. I would like to talk to you. I have a matter I want to talk over with you."

Q. What did you say?

A. I asked if she would care to come to my office and talk to me and she said, no, she would like to meet me at a place convenient to myself and herself and she suggested the Sparton Room at George's place.

Q. At what time was this?

A. Eleven twenty in the morning, approximately.

Q. Did you meet her that afternoon?

A. I did.

Q. What time?

A. Approximately one thirty p.m.

(Testimony of Edward Leo Breen, Jr.)

Q. Who was present at your meeting in George's Sparton Room?

A. The defendant, Agent Coyne and myself.

Q. Did you, before beginning your conversation and interview with the defendant, make any statement to her concerning the non-necessity of her talking with you?

A. That is right.

Q. What did you say? [79]

A. I told her she didn't have to make any statements to me; if she wished to make any statements I would have to listen to them. I told her she had an attorney, which was known to herself and myself, and she didn't have to make the statements if her attorney didn't want her to, and she said she wanted to talk to me.

Q. How would you describe her condition on that occasion so far as sobriety is concerned?

A. She appeared sober.

Q. In the course of the conversation with the defendant did she say anything to you concerning the testimony which she had given in federal court on April 3, 1957?

A. She did.

Q. What did she say?

A. She told me that she — initially when she talked to Gunn that — Mrs. Umbriaco said she called Gunn on three occasions to line him up.

Q. I didn't understand.

A. Mrs. Umbriaco told me she called Special Agent Gunn on three occasions to line him up; he wasn't going after her. She wanted to talk to him. After talking to Gunn she gave him a signed state-

(Testimony of Edward Leo Breen, Jr.)

ment which was true. Then she pointed out [80] her attorney had been called by her husband, Frank's attorney, and Frank's attorney told her attorney to have Florence tell the truth when she appeared in court, and she said, "When I appeared in court I didn't and I let Frank down and let Gunn down and let down all you fellows."

She told me prior to the trial she talked the matter over with her husband and brother and Frank called her a lady stool pigeon that was sending him to the joint.

Q. Did she make a statement to you and Special Agent Coyne on this occasion concerning what her occupation had been during the period between June, 1952 and February, 1953, and also during the period between September, 1954 and December, 1955? A. She did.

Q. What did she say concerning her occupation? During those two periods?

A. She said she was a call girl prostitute.

Q. Did she make any statement concerning where she operated? A. Yes.

Q. What did she say?

A. She said she operated off the streets of Seattle. [81]

Q. Did she mention hotels or anything of the sort?

A. She mentioned various hotels, including the Stewart Hotel.

Q. During the course of this interview with the defendant did she make any statement to you and

(Testimony of Edward Leo Breen, Jr.)

Special Agent Coyne concerning her activities with one Gail Gordon Campbell during the period from September, 1954 to December, 1955?

A. Yes, she did.

Q. What did she say about that?

A. She told me that Mr. Campbell was a fifty dollar trick of hers on a steady basis and she told me I had no idea what it was like to go to bed with this fellow, and he was an imbecile and horrible, and he couldn't talk and she said she earned every penny she got from him. She said during one of the associations she got a two thousand dollar sum of money which came into his hands after the death of his father and that this Campbell gave her the money to open up a restaurant and bar in Seattle but that the deal fell through and she never did open up.

Q. Did she say anything to you and Special Agent Coyne in the course of this conversation, June 12, 1957, about having discussed the testimony [82] she was going to give April 3, 1957, before she did testify April 3, 1957?

A. She did, sir.

Q. What statements did she make to you and Special Agent Coyne concerning that matter?

A. She told me prior to the trial April 3 she met with the bellhops that were supposed to appear as witnesses and they talked over her testimony and she stated in regard to one bellhop whom she identified as a bellhop at the Stewart and she said, "Kenny said he was going to tell them he called twice", and she said, "That was a laugh." She

(Testimony of Edward Leo Breen, Jr.)

said, "I make my money as a call girl prostitute and if I were only called twice to some place I would starve."

Mr. Guterson: I have no further questions.

#### Cross Examination

Q. (By Mr. Evich): This was all at George's Cafe?

A. Yes, sir, in the Sparton Room.

Q. That is in the cocktail lounge there?

A. Pardon?

Q. That is in the cocktail lounge there?

A. Yes, sir.

Q. She was drinking at the time? [83]

A. She had a drink before her when we arrived.

Q. Did she tell you she was afraid of her husband, Frank Umbriaco?

A. She told me she was separated from her husband at that time.

Q. He had beaten her up on various occasions?

A. She said he had given her a severe beating.

Q. At the time he was going to again?

A. No, Mrs. Umbriaco told me she and Frank were through and she was separated.

Q. But you say he accused her of being a stoolie?

A. This was before trial, April 3.

Q. This is after Mr. Umbriaco's trial now?

A. Yes, sir.

Q. This meeting at George's Cafe was after his trial?

(Testimony of Edward Leo Breen, Jr.)

A. Yes, sir, this meeting occurred June 12.

Q. You spoke of the attorney she had. You do not mean me?      A. Pardon, sir?

Q. You spoke of the attorney she had. You do not mean me?

A. No, sir. I don't know the name of her [84] attorney at that time but she stated that Frank's attorney had told her attorney to have her tell the truth.

Q. You know Frank's attorney?

A. If my memory serves me it is Mr. Quigley, I am not sure.

Q. It wasn't me?      A. No.

Q. That she referred to at that time?

A. No, sir, I don't believe it was yourself.

Q. Now, all this was in an oral conversation at the bar?

A. We were seated at a table. The bar was behind us and to the left, sir.

Q. Have you seen Florence under the influence of liquor?

A. I have—I have seen her with a drink in her hand on that date.

Q. At any time?

A. No, I have never seen Mrs. Umbriaco drunk or under the influence of liquor.

Q. Did you ever see her in a beaten condition?

A. I have seen her in the office of the United States Attorney when she told me that she had been beaten up the previous week. [85]

(Testimony of Edward Leo Breen, Jr.)

Q. And her appearance was that she had been beaten up?

A. She was able to manipulate.

Q. You have seen her when she was in a beaten condition, isn't that right?

A. Well, to be honest with you, sir, I don't know whether her condition could be described as a beaten condition.

Q. Did you ever see her with a black eye?

A. No, sir, I have never seen her with a black eye.

Q. Have you ever seen her with a puffed up jaw?

A. No, I have seen her with cuts on the side of her face.

Q. Did you ever see her with fingernail scratches along her neck?

A. On that one occasion there were some bruises in that area as I recall.

Q. Mr. Breen, you are a trained investigator and have been with the FBI for some time?

A. Yes, sir.

Q. There is no question in your mind when you say you saw her down there she had been beaten by someone?

A. There is no question in my mind because she told me. [86]

Q. And it was apparent?

A. Yes, there were marks on her face.

Q. And her neck of a beating, is that right?

A. Yes, I saw her face and neck. Usually fol-



(Testimony of Edward Leo Breen, Jr.)

lowing a beating there is considerable swelling but that had been lessened to a degree and her appearance wasn't too readily changed from her general appearance now.

Q. This conversation that you had with her at George's Cafe was prior to the time that she was indicted on the charges here, is that right?

A. Yes, sir. She was out on a bond at that time.

Q. She had been arrested?

A. That is right; she had been arrested April 12.

Q. She had been arrested April 12?

A. Yes, sir.

Q. She was out on bail at the time you talked to her?      A. Yes, sir.

Q. You made no record outside of your memory as to that conversation?

A. Following the interview with Mrs. Umbriaco, Mr. Coyne and myself went to our office and wrote [87] down the notes of what took place and put those in the report, sir.

Q. In other words, you just made notes from your own recollection of what this conversation was?

A. That is right, sir, immediately following.

Q. You made no statement of what was said and asked her to sign it?      A. No, sir, we didn't.

Mr. Evich: I have no further questions.

#### Redirect Examination

Q. (By Mr. Guterson): Mr. Breen, when you spoke of having seen the defendant on one occasion

(Testimony of Edward Leo Breen, Jr.)

with certain marks or markings on her face, are you referring to December, 1956?

A. Yes, when she was here to appear before the Grand Jury.

Q. At the interview of June 12, 1957, were there any marks or evidence of beating at that time?

A. No, sir.

Mr. Guterson: No further questions.

#### Recross Examination

Q. (By Mr. Evich): Did you go out with Officer Gunn to her house when the doctor was present?

A. No, sir. [88]

Q. Do you know what the doctor's name was on that occasion?

A. I am sorry I don't, sir.

Mr. Evich: Could I ask Officer Gunn to get the name of the doctor for me, your Honor?

The Court: Do you wish to recall him?

Mr. Evich: Or Mr. Breen can get it. They are in the same office.

The Court: Is there any reason why you can't check that?

Mr. Guterson: No. Perfectly agreeable.

The Court: All right.

Mr. Evich: I have no further questions.

Mr. Guterson: I have no further questions.

The Court: All right.

(Witness excused.) [89]

MRS. HARRIETT JACOBS

upon being called as a witness for and on behalf of the defendant, and upon being first duly sworn, testified as follows:

Direct Examination

The Clerk: Will you state your full name and spell your last name, please?

The Witness: Mrs. Harriett Jacobs. J-a-c-o-b-s (spelling).

The Clerk: J-a-c-o-b-s (spelling)?

The Witness: Yes.

Q. (By Mr. Evich): Will you state your name?

A. Mrs. Jacobs.

Q. And your first name? A. Harriett.

Q. What is your first name? A. Harriett.

Q. Harriett Jacobs? A. Yes.

Q. And where do you live, Mrs. Jacobs?

A. 6530 Second N.W.

Q. And do you know the defendant, Florence Umbriaco?

A. Yes, I know her from a business way.

Q. How did you happen to meet her?

A. Well, she bought a dog from me, a poodle dog. [92]

Q. Do you raise dogs?

A. Yes, I do. That is my business.

Q. And she bought a poodle dog from you?

A. Yes, she did.

Q. And you became acquainted with her?

A. At that time, she bought the poodle that is how I know her.

Q. Calling your attention to December 11, 1956,

(Testimony of Mrs. Harriett Jacobs.)

last year—— A. (Interposing) Yes.

Q. (Continuing) ——did you see her on that date?

A. Yes, I remember it very plainly. She called me up crying that she was all beat up and if I would come over and as I was all ready to go to bed I got dressed and she said she was bleeding and you have to help somebody out like that.

Q. Did you go over there?

A. She was all beat up and looked terrible and was awfully intoxicated.

Q. How long did you stay there?

A. I stayed with her, she was trembling and crying and I took towels and washed her face and she was all blowed up from this beating. [93]

Q. Was she there alone?

A. She was all alone.

Q. What was her condition as to sobriety?

A. Well, she was awfully intoxicated and when I talked to her, why, she had been drinking heavily for a week.

Q. Was a doctor called? A. Pardon?

Q. Did you call a doctor for her?

A. No, she called the doctor and he was going to come up but it started snowing real heavy and he was going to come out in the morning.

Q. Did you leave then?

A. No, I didn't. I didn't leave until around—she didn't call up until around eleven. It was close to one o'clock in the morning. I stayed with her.

Mr. Evich: You may inquire.

(Testimony of Mrs. Harriett Jacobs.)

Cross Examination

Q. (By Mr. Guterson): Mrs. Jacobs, is it your testimony that the defendant called you at approximately eleven o'clock p.m. on the evening of December 11, 1956? A. Yes.

Q. And you remained with her from eleven o'clock in the evening until one o'clock in the [94] morning of December 12? A. Yes.

Q. Were you in the defendant's presence that morning of December 11?

A. No, but she called me right after seven and she had been drinking all night because I tried to stop her.

Q. Are you talking about eleven in the evening or in the——

A. (Interposing) About seven in the morning.

Q. You say she called you around seven o'clock?

A. In the morning.

Q. The morning of December 12? A. Yes.

Q. And you saw her the evening before, at eleven o'clock in the evening? A. Yes.

Q. You were not with her then during the day of December 11? A. No.

Mr. Guterson: No further questions.

Redirect Examination

Q. (By Mr. Evich): When was the next time you saw her, Mrs. Jacobs? [95]

A. I didn't see her after that at all.

Q. You didn't see her?

A. No, she called up and she was awfully intoxicated, worse than when I left her that night.

Mr. Evich: That is all.

Mr. Guterson: That is all.

(Witness excused.)

[Endorsed]: Filed November 26, 1957.

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PLAINTIFF'S EXHIBIT No. 1

[Title of District Court and Cause.]

STIPULATION

It Is Hereby Stipulated and Agreed by and between the plaintiff herein, United States of America, through its counsel of record, Charles P. Moriarty, United States Attorney, and Murray B. Guterson, Assistant United States Attorney, and the defendant, Florence P. Umbriaco, through her counsel of record, John F. Evich, Esq., that on or about April 3, 1957, there was on trial before the United States District Court for the Western District of Washington, Northern Division, the case of United States of America vs. Frank Peter Umbriaco, WD Wash. ND Criminal Case No. 49580, for alleged violations of a section of the White Slave Traffic Act; that on April 3, 1957, one Florence Umbriaco was called by the plaintiff, United States of America, as a witness in said case.

It Is Further Stipulated and Agreed that said case was one in which a law of the United States authorizes an oath to be administered and further that the said Florence Umbriaco did take an oath before the United States District Court for the Western District of Washington, Northern Divi-

sion, in said case that she would testify and declare truly as a witness therein.

It Is Further Stipulated and Agreed that the transcript of the proceedings of the testimony of Florence Umbriaco in said case as certified to by Earl V. Halvorson, official court reporter for the United States District Court, Eastern and Western Districts of Washington, is a full, true and correct transcript of the entire testimony of Florence Umbriaco as given in said case, and is admissible in evidence in the above-entitled cause.

Dated this 10th day of September, 1957.

/s/ MURRAY B. GUTERSON,  
Assistant United States Attorney,  
Of Counsel for Plaintiff.

/s/ JOHN F. EVICH,  
Attorney for Defendant.

Admitted in Evidence September 10, 1957.

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[Endorsed]: No. 15812. United States Court of Appeals for the Ninth Circuit. Florence Umbriaco, Appellant, vs. United States of America, Appellee. United States of America, Appellant, vs. Florence Umbriaco, Appellee. Transcript of Record. Appeals from the United States District Court for the Western District of Washington, Northern Division.

Filed: December 7, 1957.

/s/ PAUL P. O'BRIEN,  
Clerk of the United States Court of Appeals for  
the Ninth Circuit.

United States Court of Appeals  
for the Ninth Circuit

No. 15812

FLORENCE UMBRIACO, Appellant,

vs.

UNITED STATES OF AMERICA,  
Appellee and  
Cross-Appellant.

APPELLEE AND CROSS-APPELLANT'S  
DESIGNATION OF CONTENTS OF REC-  
ORD ON APPEAL

Comes Now the appellee and cross-appellant, United States of America, and designates for inclusion in the record on appeal herein to the United States Court of Appeals for the Ninth Circuit the following documents, identified by name and number as described in the Certificate of Clerk, U. S. District Court to Record on Appeal, heretofore filed:

1. Indictment, filed April 10, 1957.

14. Verdict, filed September 11, 1957.

Minute entry of September 23, 1957, granting motion of defendant for judgment of acquittal as to Count I.

26. Notice of Appeal, filed October 17, 1957, by plaintiff.



Plaintiff's exhibits as follows:

1. Stipulation re testimony of Florence Umbriaco in Cause No. 49580.
2. Court Reporter's Transcript of Testimony of Florence Umbriaco in Cause No. 49580.
3. Registration record sheet, Stewart Hotel.
27. Plaintiff's Designation of Contents of Record on Appeal, filed November 1, 1957.
30. Court Reporter's Extract of Proceedings from trial, filed November 26, 1957, but only testimony of Condie M. May, Walter Hass, Marius Martell, Alfred G. Gunn, Edward Leo Breen, Jr., Vernon P. Coyne.

/s/ CHARLES P. MORIARTY,  
United States Attorney,

/s/ MURRAY B. GUTERSON,  
Assistant United States Attorney,  
Attorneys for Appellee and Cross-  
Appellant.

[Endorsed]: Filed December 18, 1957. Paul P. O'Brien, Clerk.

[Title of Court of Appeals and Cause.]

APPELLANT'S DESIGNATION OF CON-  
TENTS OF RECORD ON APPEAL

Comes Now the appellant, Florence Umbriaco, and designates for inclusion in the record on appeal herein to the United States Court of Appeals for the Ninth Circuit the following documents, identified by name and number as described in the Certificate of Clerk, U. S. District Court to Record on Appeal, heretofore filed:

23. Judgment and Commitment, filed September 30, 1957.

24. Notice of Appeal, filed September 30, 1957, by defendant.

25. Bond on Appeal, filed September 30, 1957 (\$2500.00, Michigan Surety Company).

29. Order Extending Time to December 15, 1957, for docketing record.

30. Court Reporter's extract of Proceedings from trial, filed November 26, 1957, but only testimony of Edward J. Denny, Gail Gordon Campbell, Thomas J. Hutchings, Harriett Jacobs.

31. Defendant's Designation of Contents of Record on Appeal, filed November 29, 1957.

/s/ JOHN F. EVICH,

Attorney for Appellant.

[Endorsed]: Filed January 3, 1958. Paul P. O'Brien, Clerk.